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CERTIFICATE OF MAILING

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

on 7/24/06

Sara Rogers
Sara Rogers

In re the application of:

Roback *et al.*

Serial Number: 10/602,981

Filing Date: 6/24/03

Title: **IMMUNOLOGICAL ASSAY SYSTEM AND METHOD**

Confirmation: 2039

Art Unit: 1743

Examiner: Cross, Latoya I.

Docket No.: 050508-1031

The following is a list of documents enclosed:

Return Postcard
Information Disclosure Statement
PTO Form 1449
Cited References (4)
Statement Under 37 C.F.R. §1.97(e)
Credit Card Payment form in the amount of \$180.00

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

5



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

To re the application of:

Confirmation: 2039

Roback *et al.*

Art Unit: 1743

Serial Number: 10/602,981

Examiner: Cross, Latoya I.

Filing Date: 6/24/03

Docket No.: 050508-1031

Title: IMMUNOLOGICAL ASSAY SYSTEM AND METHOD

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

- ☐ under 37 CFR 1.97(b), or
(within Three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either a:
☐ Statement Under 37 C.F.R. 1.97(e), or
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever occurs first)
- ☒ under 37 CFR 1.97(d) together with a:
☒ Statement under 37 CFR 1.97(e), and
☒ a \$180.00 petition fee set forth in 37 CFR 1.17(p).
(Filed after final office action or notice of allowance, whichever occurs first, but before payment of the issue fee)

- ☐ Enclosed is a check in the amount of \$.
- ☒ Enclosed is Credit Card Payment Form (PTO-2038) in the amount of \$180.00.
- ☐ Please charge \$ to deposit account .
- ☒ At any time during the pendency of this application, please charge any fees required to Deposit Account 20-0778 pursuant to 37 CFR 1.25. The Commissioner is hereby requested to credit any overpayment to Deposit Account No. 20-0778.
- ☒ Applicant(s) submit herewith *Form PTO 1449A - Information Disclosure Statement by Applicant* together with copies (where required) of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. As required by 37 C.F.R. §1.98(a), a legible copy of each document is provided.

- ☒ A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on the form PTO 1449 and is enclosed herewith.

The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport to offer.

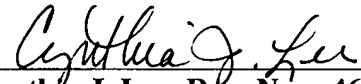
This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. Any statements or identifications regarding the relevance of any portion(s) of cited references should not be construed as a representation that the most relevant portion(s) have been identified, and the absence of such statements or identifications should not be construed as representations that there are no relevant portion(s). The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

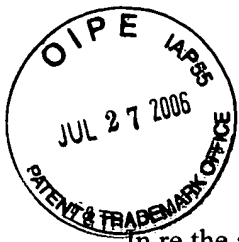
Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:


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PATENT

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Confirmation: 2039

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Title: IMMUNOLOGICAL ASSAY SYSTEM AND METHOD

STATEMENT UNDER 37 C.F.R. §1.97(e)

Mail Stop: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The undersigned hereby certifies that either:

- ☒ Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application, or in a PCT Application, not more than three months prior to the filing of the Information Disclosure Statement, or
- ☐ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign office in a counterpart foreign application, and to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

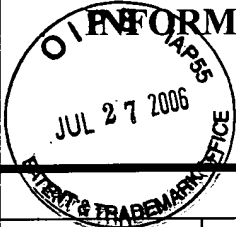
Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

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Form PTO-1449					Attorney Docket No. 050508-1031		Serial No. 10/602,981	
 INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>					Applicant Roback, et al.			
					Filing Date 6/24/03		Group 1743	
U.S. PATENT DOCUMENTS								
Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate	
	A	5,776,711	7/7/98	Vyas, et al.	435	7.25		
U.S. PUBLICATION DOCUMENTS								
	B	2001/046452 A1	11/29/01	Roback, et al.				
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)								
	C	Supplementary European Search Report, mailed June 7, 2006 in European Patent Application No. 04756077.6-2402, based on PCT/US2004/020380, filed June 24, 2006, which claims priority to instant application Serial No. 10/602,981.						
	D	Roback, John D. et al, "Improved Method for Fluorescence Cytometric Immunohematology Testing", Transfusion vol. 44, no. 2, February 2004, pages 187-196						
	E	Roback, John D. et al. "An Automatable Format for Accurate Immunohematology Testing by Flow Cytometry", Transfusion, vol. 43, no. 7, July 2003, pages 918-927						
<p>* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.</p>								
EXAMINER'S SIGNATURE:					DATE CONSIDERED:			